



PATENT APPLICATION
Docket No. 3561-153

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William Glen Boyd and Elijah Shapira

Serial No. 10/688,309 Examiner: Coulter, Kenneth R.

Filed: October 17, 2003 Art Unit: 2141

For: SYSTEM AND METHOD FOR ANALYZING REMOTE TRAFFIC
DATA IN A DISTRIBUTED COMPUTING ENVIRONMENT

Confirmation No. 8889

Date: September 9, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

The owner, WebTrends, having a place of business at Portland, Oregon, assignee of the entire right, title and interest of the above described U.S. patent application No. 10/688,309, filed October 17, 2003 for SYSTEM AND METHOD FOR ANALYZING REMOTE TRAFFIC DATA IN A DISTRIBUTED COMPUTING ENVIRONMENT, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior U.S. Patent Nos. 6,112,238, 6,360,261, and 6,662,227 as the term of said prior patents as defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said

prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record for the instant application.

Attached is the fee prescribed under 37 CFR 1.20(d).

Hillary A. Brooks
Hillary A. Brooks
Registration No. 45,815

9/9/05
Date

MARGER JOHNSON & McCOLLOM, P.C.
210 S.W. Morrison Street, Suite 400
Portland, Oregon 97204
(503) 222-3613

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: September 9, 2005

Adrienne Chocholak
Adrienne Chocholak